



Crow Country

CROW TRIBAL COUNCIL

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

December 17, 1999

Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: CC Docket No. 96-45

Dear Ms. Salas:

On behalf of the Crow Tribe of Indians of Montana, I submit the following comments:

The Crow Indian Reservation constitutes 2.5 million acres of land. Currently, approximately one third of such land is fee land and two thirds is trust land. The total tribal member population is approximately 10,000. Additionally, the Crow Reservation is home to thousands of non-Indian farmers and ranchers. However, all Reservation residents, Indian and non-Indian, share a common problem. The problem is that there is virtually no competition on the Reservation. The result is a lack of services for reservation. Admittedly, the Reservation is serviced by three local exchange carriers. However, each carrier services only a small portion of the Reservation thus maintaining a monopoly on its particular area. As a consequence, a resident of Lodge Grass who desires service is limited to Project Telephone and the services and rates it offers. If the Lodge Grass resident desires a different service that Project Telephone cannot provide, he/she has no options. In other areas of the country, a similarly situated consumer would simply contact another company. This is unfortunately not so in Indian Country.

It is additionally problematic that the local exchange carriers appear to be in opposition to this initiative. Based upon the comments submitted thus far, it appears the local exchanges oppose the initiative citing two distinct reasons. First, the local exchanges claim that the reason Reservation households may be unserved is that the household simply cannot afford it. Secondly, the local exchanges claim that competition will drive them out of business. These

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claims are simply without merit.

After consulting with numerous Reservation residents, it appears that many households remain without basic telephone service due to the lack of competition, not economics. For example, a consumer in Crow Agency may be able to afford the basic service charge of the local server Project Telephone (which is a higher rate if compared elsewhere off the Crow Reservation). However, the local calling area does not extend even to the community of Hardin which is incredibly only fifteen miles away. As a consequence, many residents do not have service due to the burden of long distance charges caused by the restrictive local service calling area. The Crow Tribe believes competition is the key. If residents were able to choose another carrier who provided a larger free local calling area, they undoubtedly would do so. However, under the current system, the Crow Reservation Service Area lacks competition and ultimately alternatives for consumers. Therefore, consumers who are able to afford basic telephone service live without service since they cannot afford long distance charges. Further it is useless to subscribe to the basic service when the consumer cannot place calls to Hardin or Billings without incurring long distance charges. Competition should alleviate this problem. The current competition between long distance carriers has also benefitted consumers on the Crow Reservation. This is yet another strong indicator of the benefits derived through competition.

In regards to the continued service for the Crow Reservation, it appears that competition will determine whether the current local server remains, and rightly so. For example, since another company is seeking to provide local service for the Crow Reservation, the local exchange has proposed an expansion of its free local calling area. This action speaks for itself. The Crow Reservation residents have already benefitted from competition which will undoubtedly continue.

Residents of the Crow Reservation also lack satisfactory wireless telephone service which is especially problematic for the Crow Tribal membership. The geographics of the Crow Reservation as well as the sporadically populated areas present interesting challenges for any service provider on the Crow Reservation. The Crow Tribe believes that a wireless telephone service provider would possibly constitute an additional cost effective solution to the unique situation faced by consumers.

Finally, the Crow Tribe would like to encourage the FCC to expedite federal low income and administrative procedures which would establish a universal service system at a federal level that recognizes and acknowledges Indian Tribes on a government to government basis instead of the current system the relies to heavily on State Agencies for direction and decision making without consideration of tribal input. For example, the Crow Tribe has created its own Crow Tribe Public Utility Department for all residents of the Crow Reservation. However, the Montana Public Service Commission neither consults nor contacts the Crow Commission even when its

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decision directly impacts consumers on the Crow Reservation.

In conclusion, the Crow Tribe urges the FCC to take whatever action necessary to encourage competition in Indian Country to expand the technology for the Crow Reservation and other Reservations similarly plagued by the monopolistic local telephone companies.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sam S. Painter", written over a printed name.

Sam S. Painter
General Counsel for the Crow Tribe of Indians